

U.S. DISTRICT COURT
DISTRICT OF VERMONT
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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MARY ECKHARDT and
CHARLES ECKHARDT,
Plaintiffs,

v.

TAMMY L. FLINT and
BERNARD D. BUTLER,
Defendants

Civil Action No. 2:02-cv-98

COMPLAINT

PARTIES

1. Mary Eckhardt and Charles Eckhardt, a married couple, are citizens of New Hampshire.
2. Tammy L. Flint and Bernard D. Butler are citizens of Vermont and own real property in the Town of Orleans in the County of Orleans and State of Vermont.

JURISDICTION AND VENUE

3. This Court has jurisdiction because there is diversity of citizenship between the parties and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, 28 U.S.C. § 1332.
4. The District of Vermont is the proper venue because the acts or omissions complained of took place in Vermont and the defendants reside in Vermont, 28 U.S.C. § 1391(a).

NEGLIGENCE

5. On July 19, 2000, Mary Eckhardt was at a premises owned, maintained or controlled by Tammy Flint and Bernard Butler.
6. On July 19, 2000, Ms. Eckhardt sustained permanent injury when a deck railing gave way, broke and caused her to fall.

COUNT I
(Negligence)

7. The plaintiffs reallege paragraphs 1-6 above.
8. The defendants were negligent because they allowed a defective, hazardous, dangerous, inadequate, deteriorated, unlawful and improper condition to exist on their premises when they knew or should have known that the condition was as such and, additionally, because they failed to provide warnings or notifications or to otherwise address the unreasonably dangerous condition.
9. The defendants' negligence directly and proximately caused injury and damages to Mary Eckhardt, including, but not limited to, severe and permanent physical injuries, scarring, extreme pain and suffering, numerous medical procedures and therapies, large and continuing medical expenses, emotional distress and mental distress, loss of enjoyment of life, lost wages and lost earning capacity.
10. The defendants' negligence will be the proximate cause of future damages to Ms. Eckhardt.

COUNT II
(Loss of Consortium)

11. Plaintiffs reallege paragraphs 1-10 above.
12. At all times relevant hereto, plaintiffs Mary Eckhardt and Charles Eckhardt were and are husband and wife enjoying each other's love, companionship, consortium, society and services.
13. As a direct and proximate result of defendants' negligence, plaintiffs have each suffered a loss of love, companionship, consortium, society and services, past, present and future.

PLAINTIFF DEMANDS TRIAL BY JURY.

WHEREFORE, plaintiffs demands full, just and adequate compensation together with interest, attorneys' fees, punitive or exemplary damages and costs.

Dated at Hartford in the County of Windsor and State of Vermont this 9th day of April, 2002.

MARY ECKHARDT AND
CHARLES ECKHARDT

By: 

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